

REMARKS

Claims 1-30 are pending, in which claims 4, 16, and 22 are amended. No new matter is added.

The Office Action mailed August 12, 2004 rejected claims 1-3, 5-9, 11-15, 17-21, 23-27, and 29-30 under 35 U.S.C. § 102 as anticipated by *Wright et al.* (US 6,366,776), and claims 4, 10, 16, 22, and 28 as obvious under 35 U.S.C. § 103 based on *Wright et al.* in view of *Rostamy et al.* (US 6,330,431).

This rejection is respectfully traversed because *Wright et al.* fails to disclose the elements of the claims. For example, independent claim 1 recites: "transmitting a message specifying the determined power level to the terminal." Dependent claims 2-6 include this feature by virtue of their dependency.

The Office Action contends that this feature is shown in *Wright et al.* by reference to col. 2, lines 35-37, which state: "Report cell comprising report information in response to the estimate of the received energy of the burst signal or the time of arrival of the burst signal at the satellite, addresses identifying destinations and identifiers indicating that the report cells contain the report information are generated, preferably by a cell former located at the satellite." However, this passage is not sufficiently detailed to disclose that the report information in the report cell is actually "a message **specifying the determined power level** to the terminal" as recited in claim 1. In fact, as *Wright et al.*, col. 26:43-50, explains, the report information does not specify the recited "determined power level" but contains something else (emphasis added):

Traffic report cells are processed by decoder 460 (FIG. 16) to extract the high/low bit(s) inserted at satellite 100 to indicate **the error count** seen at the satellite for an uplink channel and slot on its previous use by the user terminal. This **error count indicator** (i.e., high/low bit) is used by the earth terminal to recompute the transmitted power level to be used for the related channel and slot on subsequent transmissions.

As anticipation requires all the elements of the claims to be disclosed in a single reference, the rejection of claims 1-3 and 5-6 over *Wright et al.* is respectfully traversed.

The rejection of dependent claim 4 over *Wright et al.* and *Rostamy et al.* is also respectfully traversed. As explained above, *Wright et al.* fails to disclose "transmitting a message specifying the determined power level to the terminal" set forth in claim 1, from which claim 4 depends. *Rostamy et al.*, on the other hand, fails to disclose any message being transmitted to the terminal, much less the particular "message specifying the determined power level." In fact, it appears that *Rostamy et al.* was only cited in the Office Action for a discussion of calculating "the burst quality with respect to the carrier to

noise ratio" (col. 4:50-51), but not for changing *Wright et al.*'s principle of operation grounded in an error count indicator.

As for the remaining claims, both *Wright et al.* and *Rostamy et al.* also fail to teach or otherwise suggest the features of "logic configured ... to generate a message specifying the **determined power level** to the terminal" for claims 7-12, "wherein the second terminal generates a message that specifies the **determined power level**, the message being transmitted to the first terminal" for claims 13-18, "means for transmitting a message specifying the **determined power level** to the terminal" for claims 19-24, and "generating a message specifying the **determined power level**, wherein the message is transmitted to the terminal" claims 25-30.

Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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